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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/872,842      | 06/01/2001  | Akira Masumura       | 645-145             | 3721             |

7590 06/10/2004

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EXAMINER

SAMPLE, DAVID R

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/872,842

Applicant(s)

MASUMURA ET AL.

Examiner

David Sample

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Any rejections and/or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Objections***

Claims 9, 11, and 13 are objected to because of the following informalities:

A space has been omitted between "K<sub>2</sub>O" and "in" in claim 9, lines 5.

A comma has been omitted after "entirely" in the second to last line of claim 9.

In claim 11, line 2, "and" should be "an".

In claim 13, line 4, "0.001 o.2" should be "0.001 - 0.2".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Speit et al. (US Patent No. 4,520,115).

Speit et al. discloses glass compositions with amounts of components that fall within the ranges of components of instant claims 9, 10, 12 and 13. See the table bridging col's 5-6, Examples 6 and 9.

The reference fails to disclose the property recited in instant claim 11. However, a glass's properties are determined by its composition, and the composition of the reference is identical to

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the presently claim composition. Therefore, the property of claim 11 is assumed to be inherent to the composition of the reference. See MPEP 2112.

Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Inamura et al. (US Patent No. 3,769,613).

Inamura et al. discloses glass compositions with amounts of components that fall within the ranges of components of instant claims 9, 10, 12 and 13. See Table 1, bridging col's 3-4, Examples 8, 10 and 11.

The reference fails to disclose the property recited in instant claim 11. However, a glass's properties are determined by its composition, and the composition of the reference is identical to the presently claim composition. Therefore, the property of claim 11 is assumed to be inherent to the composition of the reference. See MPEP 2112.

Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Dalton et al. (US Patent No. 2,964,414).

Dalton et al. discloses glass compositions with amounts of components that fall within the ranges of components of instant claims 9 and 10. See Tables I-III, col's 2-4, Examples 5, 8, and 14-20. Dalton et al. further disclose compositions with amounts of components that fall within the ranges of components of instant claims 9, 10, 12 and 13. See Table II, col. 3, Examples 29 and 30.

The reference fails to disclose the property recited in instant claim 11. However, a glass's properties are determined by its composition, and the composition of the reference is identical to

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the presently claim composition. Therefore, the property of claim 11 is assumed to be inherent to the composition of the reference. See MPEP 2112.

Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (US Patent No. 2,762,713).

Davis et al. discloses a glass composition with amounts of components that fall within the ranges of components of instant claims 9 and 10. See the table in col. 2, Example I.

Davis et al. discloses the recitations of instant claims 12 and 13 at col. 1, lines 57-58.

The reference fails to disclose the property recited in instant claim 11. However, a glass's properties are determined by its composition, and the composition of the reference is identical to the presently claim composition. Therefore, the property of claim 11 is assumed to be inherent to the composition of the reference. See MPEP 2112.

### ***Conclusion***

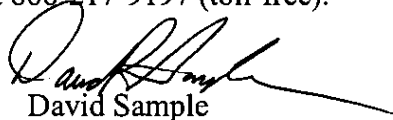
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Sample whose telephone number is (571)272-1376. The examiner can normally be reached on Monday to Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on (572)272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "David Sample", with a long horizontal flourish extending to the right.

David Sample  
Primary Examiner  
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